



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

DECISION

JOHNNIE'S ON THE SIDE LLC DBA JOHNNIE'S ON THE SIDE
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 011600637
HEARD: 12/6/2011

Johnnie's on the Side LLC dba Johnnie's on the Side (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, December 6, 2011, regarding an alleged violation of M.G.L. c.138, §34C. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Caroline Guarino-Wilichoski's Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Investigator Guarino-Wilichoski's Report dated August 22, 2011; and
3. RMV Printout of Under Aged Individual.

There is one (1) audio recording of this hearing.

FACTS

1. On August 20, 2011, at approximately 1:30 a.m., Commission investigators Capurso and Guarino-Wilichoski conducted an Enhanced Liquor Enforcement Operation in the City of Boston.
2. The investigators investigated the business operation of Johnnie's on the Side LLC dba Johnnie's on the Side to determine the manner in which its business was conducted.
3. Investigators entered the licensed premises and observed a youthful looking female patron at the bar in possession of a Red Bull and vodka.
4. Investigators approached the female individual and identified themselves.
5. Investigators asked the female patron to see proof of age.
6. The female patron produced a counterfeit New Jersey driver's license stating she was twenty-one (21) years old.
7. Investigators observed that the female patron was in possession of a fraudulent identification.
8. Investigators spoke with the head doorman and he admitted he accepted the counterfeit New Jersey driver's license as proof of age to gain access to the establishment.
9. Investigators asked the under aged female patron if she was asked for proof of ID by the bartender prior to service of alcoholic beverage.



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AMENDED NOTICE OF SUSPENSION

January 18, 2012

JOHNNIE'S ON THE SIDE LLC DBA JOHNNIE'S ON THE SIDE
138 PORTLAND STREET
BOSTON, MA 02114
LICENSE#: 011600637
HEARD: 12/6/2011

After a hearing on December 6, 2011, the Commission finds Johnnie's on the Side LLC dba Johnnie's on the Side in violation of M.G.L. c.138, §34C.

The Commission **suspends the licensee's license for a total of three (3) days to be served.** The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Friday, February 10, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, February 8, 2012 at 9:00 A.M. It will be returned to the licensee Saturday, February 11, 2012.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro
Chairman

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Caroline Guarino-Wilichoski, Investigator
Administration
File